



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, १८ अगस्त, १९७३/२७ श्रावण, १८९५

GOVERNMENT OF HIMACHAL PRADESH

HOME DEPARTMENT RESOLUTION

No. 13-16/72-Home.

Simla-2, the 17th March, 1973

Read—Report of the Inquiry Commission about the death of Kumari Champa Rani, a trained teacher in Home Science of Bilaspur.

OBSERVATIONS

The Government of Himachal Pradesh place on record their appreciation and gratitude for the ability and industry with which Thakur Chet Ram, Justice of Himachal Pradesh High Court constituted a Single-Member Commission of Enquiry, examined the important issues which had been referred to the Commission, which involved the collection, examination and sifting of the voluminous evidence placed before the Commission.

2. The Government, further, take the opportunity to record their appreciation of the assistance rendered by all who appeared before, and assisted the Commission in ascertaining facts.

3. The conclusions of the Commission have been accepted by the Government, and suitable action is being taken, where found necessary.

ORDER

ORDERED THAT the Resolution together with the Commission's Report be published in the Himachal Pradesh Rajpatra for general information.

Ordered also that copies of the Resolution and the Report be released for sale to the public.

By order,
K. N. CHANNA,
Chief Secretary.

BEFORE HON'BLE MR. JUSTICE CHET RAM THAKUR, COMMISSION OF INQUIRY APPOINTED UNDER SECTION 3 (1) OF THE COMMISSIONS OF INQUIRY ACT, 1952 TO ENQUIRE INTO THE CIRCUMSTANCES LEADING TO THE DEATH OF KM. CHAMPA DEVI, HUNGER STRIKER AT BILASPUR

REPORT

The Governor of Himachal Pradesh, in exercise of the powers vested in him under section 3 (1) of the Commissions of Inquiry Act, 1952, appointed me as the Commission of Inquiry, vide notification No. 13-16/72-Home, dated the 22nd of July, 1972 and required me to enquire into the circumstances leading to the death of Km. Champa Devi, a trained teacher in Home Science, but unemployed, who had resorted to indefinite hunger strike resulting in her death on June 17, 1972 in Civil Hospital, Bilaspur. I was required to submit the report within three months from the date of the issue of the notification. However, the period was extended by the Governor by another three months as the enquiry could not be completed within the period of first three months.

2. Km. Champa Devi, an unmarried girl, aged about 23 years, resident of village Panjgain, Tehsil Sadar, District Bilaspur had passed her matriculation examination and also obtained a diploma in the year 1971 in Home Science from the Training School at Solan. After obtaining her diploma in Home Science she could not get any employment like many other teachers, holding a diploma in Home Science or holding a B.Ed. degree. In order to press their demand for employment, the trained unemployed teachers convened a meeting at Bilaspur on May 7, 1972 wherein they decided to stage 'Dharna' w.e.f. May 8, 1972 and later to go on an indefinite hunger strike. In consequence of this decision the teachers started 'Dharna' in front of the Collectorate at Bilaspur. On May 12, 1972 it was decided to start 24 hours chain hunger strike with effect from May 15, 1972 in case their demand for employment was not met. Consequently the 24 hours chain hunger strike was started from this date and continued upto May 24, 1972. Many unemployed trained teachers took part in this strike. Later the period of 24 hours was extended to 48 hours and this continued upto May 28, 1972. Km. Champa also joined the 48 hours chain hunger strike on May 26, 1972 and she continued this 48 hours' hunger strike upto May 28, 1972.

3. On the 1st June, 1972 at a meeting of the unemployed trained teachers it was decided that in case their demand for employment was not conceded by June 6, 1972 by the Government they would go on an indefinite hunger strike with effect from that date. As nothing happened upto June 6, 1972, 11 unemployed teachers went on indefinite hunger strike with effect from this date. The number of the teachers, who went on indefinite hunger strike, swelled to 39 on June 16, 1972.

Km. Champa joined the hunger strikers on June 8, 1972 at 12-noon. These facts are not disputed. The various reports sent by the Superintendent of Police and the Deputy Commissioner, Bilaspur to the Government, the copies of which are annexures to the affidavits, Ex. SP/A and Ex. KS/I of the Superintendent of Police and the Deputy Commissioner, Bilaspur respectively also prove the above facts. The reports sent by these two officers are not open to any doubt and, therefore, can be safely relied upon in proof of the above facts.

4. When the condition of the strikers deteriorated in the Camp where they were on an indefinite hunger strike, they were removed to the hospital in an Ambulance and admitted there for treatment. Km. Champa was admitted in the hospital on the 12th June, 1972. A case under section 309 of the Indian Penal Code was registered by the Sadar Police, Bilaspur, against her on the 13th of June, 1972, when the police was informed by the hospital staff of her condition. Similar cases were registered by the police against some other hunger strikers. It is significant to note that the police did not effect any arrest.

5. On being admitted in the hospital on the 12th of June, 1972 Km. Champa was examined by Dr. K. L. Kapoor and later many other doctors had been attending on her. Despite persuasion by the doctors Km. Champa did not accept the treatment that was prescribed by Doctor K. L. Kapoor. She even refused to have glucose water which Dr. Kapoor wanted to give to her. It is said that Smt. Prem Dhir who was the President of the unemployed Home Science Teachers' Union had brought Km. Champa to the hospital and it was she who advised her not to take glucose water nor to accept the treatment. Km. Champa, like many other unemployed teachers, who had been admitted to the hospital, remained on hunger strike and her condition continued deteriorating. She, however, improved a little when she accepted the treatment on the persuasion of the doctors. On 16th of June, 1972 at about 3 P.M. Km. Champa is stated to have had profuse bleeding per her vagina. Her condition took a serious turn from that time. The Chief Medical Officer and other doctors on duty were duly informed by the Nurse on duty and all of them attended on her. The Chief Medical Officer informed the Director of Health Services at Simla about the condition of Km. Champa and requested for the services of Doctor K. L. Shukla, Medical Specialist, Ripon Hospital, Simla. Doctor Shukla reached Bilaspur at about 9.30 P.M. and, after examining the patient and the case history, prescribed the treatment. Unfortunately the condition of Km. Champa deteriorated and she expired in the hospital in the early hours of June 17, 1972. There is some dispute about the time of the death of Km. Champa. According to the version of the striking teachers she died at about mid-night between the night of 16th/17th of June, 1972, while according to the doctors and the District administration, she died at 5.20 A.M. on June 17, 1972.

6. On the issuance of the notification appointing the Commission, wide publicity was given and all those persons interested in the enquiry were called upon to appear before the Commission on the 31st of July, 1972 at Bilaspur. On this date it was submitted before the Commission that the notice issued was too short and in order to do justice it was prayed that another notice be issued. Accordingly, the Commission ordered the issuance of a second notice for the 25th of August, 1972. The notice was published in the Himachal Pradesh Rajpatra and the District Magistrates and the District Education Officers in all the districts were requested to give wide publicity in their respective jurisdiction. On the 25th of August, 1972 the Commission laid

the procedure to be followed during the enquiry and invited affidavits from all those persons who were interested so as to reach the office of the Secretary to the Commission on or before September 21, 1972. The notice inviting affidavits was published in three daily papers, namely, Vir Pratap (Hindi), Milap (Urdu) and the Tribune (English).

7. Twenty-four affidavits in all have been filed before the Commission. Seven affidavits are of the striking teachers, 10 affidavits by the doctors including those of Dr. Shiv Dev Singh, Chief Medical Officer, Bilaspur and Dr. Shukla and the remaining affidavits have been filed by Sarvshri Pyre Lal Bery, Bachittar Singh, Balbir Singh, Jagan Nath, a brother of Km. Champa, Karam Dev Chhatak and two others. It was found on a perusal of these affidavits that allegations had been made against Shri Kashmir Singh, who was officiating as Deputy Commissioner at the relevant time, the Superintendent of Police, Mr. A. S. Burathoki, the Chief Medical Officer, Shri Shiv Dev Singh and the District Education Officer. Accordingly it was decided by the Commission that apart from the striking teachers and the Government all these officers shall be deemed to be parties for the purpose of the enquiry. Time was given to the Government and the officers concerned to file their counter affidavits by October 28, 1972. Accordingly all these officers filed the counter affidavits. Shri Prakash Chand, Secretary (Education), Himachal Pradesh Government filed the counter affidavit on behalf of the Government. All those persons except the Secretary (Education) who had filed the affidavits and the counter affidavits were summoned to appear as witnesses. Opportunity was also given to the parties to examine any witness. As many as 31 persons have been examined by the Commission. It is pertinent to observe that no one on behalf of the public appeared in the witness box. Shri Sant Ram Sant, a former M.L.A., however had been called as witness at the instance of the striking teachers and he alone has taken the witness box. None out of the striking teachers came to the witness box even though sufficient opportunity had been afforded to the teachers in this behalf.

8. The scope of the inquiry is limited. The Commission has been asked "to enquire into the *circumstances leading to the death of Km. Champa*, who had gone on hunger strike along with other trained teachers in order to pressurise the Government to provide them regular appointment in the Government". Various allegations have been made by the striking teachers and some others, who have filed the affidavits. In order to appreciate these allegations, I propose to reproduce a few of them in the same very words as have been used by the various deponents.

9. Shri Pyre Lal Bery, Organising Secretary, Bharatiya Mazdoor Sangh, Himachal Pradesh, Simla stated in his affidavit that:—

"the hunger strikers were trained B.Ed., P.T. and Home Science and, therefore, had right to get employment, that these teachers had been deprived of their *legitimate right of being employed* in the Government service, the Himachal Pradesh Government on the connivance of the Chief Minister have been imparting discriminatory treatment with the trained teachers of the District of Bilaspur in granting employment, in districts other than Bilaspur and especially in Sirmur district, the home district of the Chief Minister employment was granted even to untrained teachers, whereas the trained teachers of Bilaspur district were ignored badly, that this discriminatory attitude of the Government is one of the causes which led the teachers to go on hunger strike. Km. Champa was also forced to do the same and she breathed her last on the night between 16th and 17th

of June, 1972”.

10. Shri Amar Nath Verma, one of the striking teachers stated in his affidavit that:—

“I completed my training in physical education certificate course and despite various efforts I could not get any service, and, therefore, we were compelled to sit Dharna and later to go on indefinite hunger strike, that Km. Champa had also gone on indefinite hunger strike along with other trained teachers, that the Deputy Commissioner, the Superintendent of Police and the District Education Officer, Bilaspur never visited the strikers' camp nor dealt with the strikers with sympathy but they always threatened them, that Shri Kashmir Singh, Deputy Commissioner, Bilaspur did not inform the State Government about the condition of Km. Champa nor the State Government cared to know about her health in time, that we (the striking teachers) informed the Deputy Commissioner, Bilaspur in writing that we were ready to call off the hunger strike if we were given the *ad hoc* appointments with an assurance that we would be finally absorbed in service, that the Government did nothing towards our *ad hoc* appointments till the death of Km. Champa, that the Deputy Commissioner and the Superintendent of Police, Bilaspur had been informed on the 14th June, 1972 that the condition of Km. Champa and Km. Sandhya is most critical, that even in the hospital we (striking teachers) were maltreated with jail and dire consequences by the Deputy Commissioner and the Superintendent of Police.”

The other striking teachers have submitted almost similar affidavits.

11. Shri Bachittar Singh a member of the public, has made allegations in his affidavit that Km. Champa died of starvation in the District Hospital, Bilaspur on the night between 16th and 17th June, 1972, when she was in police custody due to the utter negligence and carelessness of the acting Deputy Commissioner, the Superintendent of Police, Bilaspur, the Education Minister and the Chief Minister, Himachal Pradesh. Shri Balbir Singh, another member of the public, has stated in his affidavit that:—

“unemployed trained teachers had gone on hunger strike with a view to get employment in Education Department, they had approached me in my capacity as prominent public man, they told me that they had exhausted all methods to get employment and that there was no alternative left to them except to resort to hunger strike, that I had assured them of my whole hearted support but had told them that going on strike was not the correct method to achieve any demand, that the police was seen outside the hunger strikers camp and whenever the physical condition of any hunger striker became serious the police took her to the District Hospital, Bilaspur and admitted him/her there, that in the District Hospital, the Doctors along with Nurses only used to take the temperature, pulse, blood pressure etc., but no medicine or any other diet was given to the hunger strikers, that the extreme high temperature due to scorching heat badly effected the hunger strikers and their physical condition began deteriorating fastly, that whenever I visited the hunger strikers in the hospital, I was told that the hunger strikers were under arrest and cases against them were registered under the law and I had to obtain the permission to see the hunger strikers, that

Miss Champa Devi had been taken to the hospital and admitted there, her physical condition deteriorated day by day but no efforts were made by the authorities to save her life, that her condition became seriously grave and dangerous on the 16th June, 1972 that when I visited the hospital on 17th June, 1972 at 7 A.M. the acting Deputy Commissioner, namely, Shri Kashmir Singh and the Superintendent of Police were there with heavy police force, that they were pressing Shri Jagan Nath, real brother of Km. Champa, to take over and carry the dead body to the village immediately and dispose it off and then the dead body was taken to the village by Jagan Nath, that the Himachal Pradesh Government headed by Dr. Y. S. Parmar, Chief Minister is mainly responsible for the death of Km. Champa who had resorted to hunger strike only to achieve employment for herself, that I participated in the negotiations whenever required and tried to settle the matter before any loss of life occurred but the Government and the authorities concerned could not handle the situation wisely and efficiently which eventually resulted in the death of Miss Champa."

12. Shri Jagan Nath a brother of Km. Champa also filed the affidavit and stated therein that:—

"Km. Champa, after having got training in Home Science, made several efforts to get employment but without any success and in the circumstances she was compelled by the Government to join the agitation launched by her colleagues and other unemployed trained P.T.Is. and B.Ed. teachers, that the condition of Km. Champa and other hunger strikers was deteriorating daily while they were in the camp and I had told the Deputy Commissioner and the Superintendent of Police about the miserable condition of my sister Champa and other hunger strikers when they were in the camp. The Deputy Commissioner Shri Kashmir Singh told me that Champa and other strikers will not die and they are not genuine hunger strikers. He and the Superintendent of Police took the things very lightly and told me on 9th June, 1972 that they have decided to arrest Champa and other hunger strikers and get them admitted in the hospital, that the condition of my sister became serious in the hunger strikers' camp on 11th June, 1972, and she was taken to the hospital by the police and thereafter she remained in the hospital in strong police custody till her death at about 12 on the night intervening 16th and 17th June, 1972, that I informed the acting Deputy Commissioner and the Superintendent of Police on the 14th June, 1972 that the condition of some of the hunger strikers including my sister Champa has become very very serious and that they should do something to save their lives. I also told them on 15th June, 1972 the same thing but they laughed on it and told me that the Government is not going to do anything for them and that if you want your sister you should get her released on bail, that the condition of my sister became dangerously critical due to starvation on 16th June, 1972 and nobody was allowed to see her after 8 P.M. She might have died at any moment after 8 P.M. but she was declared dead at 5 A.M. on the 17th June, 1972. The acting Deputy Commissioner, Shri Kashmir Singh the Superintendent of Police, Shri Achhar Singh, the S.H.O., Shri Rup Singh and Shri Sukh Dev, M.H.C. were at the hospital at that time apart from the hospital staff. The Doctor Incharge handed over the dead body of Champa to the police and the police

in turn asked me to remove the dead body from the hospital immediately under threat, that Sukh Dev, M.H.C. then wrote two papers and forcibly obtained my signatures on them without allowing me to read those papers or explaining the contents to me, that my sister Champa was compelled by the negligent and in action of the Deputy Commissioner, Bilaspur and the Himachal Pradesh Government to die of starvation, that they never considered her case with sympathy. Even after her death they never condoned her death nor send a word of sympathy to the bereaved family."

13. Shri Karam Dev Chhatak another member of the public has stated in his affidavit that there was discrimination in the appointment of the trained teachers. While untrained teachers had been given employment in some of the districts like Simla, Sirmur and Kulu, even trained teachers of Bilaspur had not been given employment. Shri Chhatak further stated in his affidavit that even the distribution of the posts was arranged in such a manner that "privileged districts" as Mahasu, now Simla, and Sirmur were allocated more posts as compared to Bilaspur, Mandi and Kangra. The wide difference in ratio of teachers and taught in the above-mentioned districts exhibits *mala fide* intention."

14. On a close perusal of these affidavits, it would be seen that the striking teachers and a few others from the public had the following grievances to make against the Government and the district administration:—

- (a) that it was the right of the striking teachers to claim employment from the Government and since the Government failed to perform its lawful duty, the teachers had to resort to hunger strike to press their demand;
- (b) that the Government had discriminated against the teachers belonging to the District of Bilaspur inasmuch as untrained teachers from other districts had been given employment whereas the trained teachers from the district of Bilaspur were denied Government service;
- (c) that it was on account of this discriminatory attitude and non-employment of the trained teachers that they had to go on indefinite hunger strike;
- (d) that the local administration, that is the Deputy Commissioner, the Superintendent of Police and the District Education Officer did not keep the Government informed of the condition of the hunger strikers and adopted a very unhelpful attitude towards them;
- (e) that proper care of the hunger strikers was not taken by the local administration and by the hospital staff. Their attitude was negligent and callous;
- (f) that the police had forced Shri Jagan Nath to remove the dead body of Champa from the hospital immediately under threat.

15. All the allegations made above have been stoutly denied by the Government, the doctors who attended on Km Champa during her stay in the hospital at Bilaspur, the Deputy Commissioner and the Superintendent of Police, Bilaspur and the District Education Officer, Bilaspur.

16. Shri Jai Chand Malhotra, District Attorney, who appeared on behalf of the Government, submitted before the Commission that the affidavits filed by the striking teachers and others were not admissible in evidence as these had not been properly verified. It is unnecessary to decide this point as on the evidence adduced before me I have come to the conclusion

that the allegations made by the striking teachers and others have remained unsubstantiated.

17. I would, at first, deal with the point as to what was the cause of the death of Km. Champa. It is not in dispute that Kumari Champa went on indefinite hunger strike on June 8, 1972 and was admitted in the hospital on June 12, 1972. At the time of admission she was examined by Dr. K. L. Kapoor and the bed-head ticket, Ex. CW 3/A was maintained. It may be noticed that the genuineness of the bed-head ticket has not been challenged. Even otherwise, there appears to be no reason to doubt its genuineness. The bed-head ticket is prepared in the normal course in respect of all the patients, who are admitted in the hospital. The bed-head ticket gives the true picture of the health of Km. Champa from day to day after her admission in the hospital and till her death, which occurred in the early hours of the 17th June, 1972. At the time of her admission the doctor made a note that Km. Champa was on indefinite hunger strike and was suffering from acute starvation.

18. According to Dr. Kapoor and others, Kumari Champa died at 5.20 A.M. on the 17th June, 1972, and Doctor Kapoor had noted in the bed-head ticket that she had died on account of acute renal failure. It also appears from the bed-head ticket that the condition of Km. Champa had deteriorated on the 16th of June, 1972, at 3 P.M. It is to be found in the statement of Doctor S. S. Guleria, Medical Officer, District Hospital, Bilaspur that he had been informed by the Nurse on duty at about 2.45 P.M. on June 16, 1972, that Km. Champa was bleeding profusely from vagina and that her condition had become serious. Doctor Guleria had thereupon attended upon Kumari Champa and he at once removed her to the Intensive Care Unit. He had noted down the condition of the patient on the bed-head ticket and the relevant entry is Ex. CW 3/A/14. He had prescribed the treatment. He had informed the Chief Medical Officer, and the Chief Medical Officer as also other doctors had immediately rushed to attend upon Km. Champa. It will be found from the statement of the Chief Medical Officer, namely, Dr. Shiv Dev Singh that he had informed the Director of Health Services about the serious condition of Km. Champa and Dr. K. L. Shukla had been deputed to attend upon Km. Champa at Bilaspur, Dr. Shukla is a Medical Specialist of Ripon Hospital at Simla. He had reached Bilaspur at about 9.30 P.M. on June 16, 1972 and after examining Kumari Champa had prescribed treatment for her. Despite the best available medical advice, Km. Champa expired in the morning of June 17, 1972. When Dr. Shukla examined Km. Champa he found that she was "in a state of uraemia, acidosis, shock and pulmonary congestion and was in a poor state of health". He had also summoned Anesthetist for maintaining artificial respiration of vomitus material from the lungs. Dr. Shukla states that despite all these efforts she could not be saved. According to Doctor Shukla, Kumari Champa died of "cardio-pulmonary failure caused as terminal complication of Uraemic acidosis due to acute renal failure and shock due to profuse vagina bleeding and respiration of vomitus in lungs." Dr. Shukla further stated that the immediate cause of the death of Km. Champa was shock due to profuse bleeding per vagina. He is also of the opinion that but for this profuse bleeding she could have been saved. According to Dr. K. L. Kapoor the cause of the death of Km. Champa was respiratory failure and acute dilatation of stomach and aspiration pneumonia. In his cross examination by Shri Inder Singh, learned counsel for Dr. Shiv Dev Singh, Dr. Kapur stated that the shock was the cause of her death. Shock was due to haemorrhage and cardio respiratory

failure was the cause of her death. Shock was caused by excessive bleeding. Dr. Shiv Dev Singh, Chief Medical Officer has stated that Km. Champa was admitted in the Civil Hospital, Bilaspur on the 12th of June with acute starvation. On the 13th of June on the examination of her blood, blood urea was found raised about 180 MG per 100 ML of blood which showed that she had uraemia. This was due to excessive sweating because of heat and lesser intake of water and salt and food. The Chief Medical Officer further stated that Km. Champa had abnormal bleeding on 16th of June, 1972 at about 3 P.M. from the uterus and the cause of her death was uraemia (renal failure). According to him the immediate cause of the deterioration of the condition of Km. Champa was the profuse bleeding from her vagina. When Kumari Champa died, a certificate was recorded by Dr. K. L. Kapoor about her death. He stated therein that the death of Km. Champa was due to respiratory failure as a result of coma due to acute starvation (indefinite hunger strike). Dr. K. Pandeya took over as Chief Medical Officer, Bilaspur from Dr. Shiv Dev Singh after the death of Km. Champa. He produced the bed-head ticket which was in his custody. On being questioned by the learned counsel for Dr. Shiv Dev Singh, Dr. Pandeya stated that "Uraemia is due to extra collection of urea of the blood. It usually collects due to kidney failure. It is correct that there are several contributory factors for failure of the kidneys, such as, less intake of fluid, more out-put by perspiration and this results in low blood pressure and thereby the kidney tissues are damaged and it leads to uraemia and respiratory failure. Too much of blood can lead to kidney failure."

19. It is common knowledge that the month of June is the hottest month in Bilaspur. It is in evidence that Kumari Champa was refusing treatment. She even refused to have glucose water except when the doctors, succeeded in persuading her to accept glucose water. It is to be found in the statements of the various doctors who were attending upon her that she violently resisted even injections. Whenever she accepted treatment her condition improved. She had developed uraemia due to less intake of fluid and more out-put by perspiration. There was low blood pressure and the kidney tissues may have been damaged which ultimately led to uraemia and respiratory failure. According to Doctor Kapoor the death of Kumari Champa was due to respiratory failure as a result of coma due to acute starvation. It has been argued by the learned counsel for the striking teachers that there is an apparent contradiction in the opinions given by the Doctors on the cause of death of Km. Champa. According to Doctor Kapoor the cause of death was respiratory failure as a result of coma due to acute starvation, but according to Doctor Shukla the immediate cause of death was shock due to profuse bleeding per vagina. When the evidence is read a little more closely, it will be found that there is hardly any contradiction. It will be noticed from the bed-head ticket that in the opening sheet Doctor Kapoor stated that the cause of death of Kumari Champa was acute renal failure. This entry has to be read along with the certificate Ex. CW 3/A/5. Even Doctor Shukla has stated that "Km. Champa died of cardio pulmonary failure caused as terminal complications of uraemic acidosis due to acute renal failure". It appears to me that while the cause of the death of Km. Champa was acute renal failure, her death was hastened by the excessive bleeding that she had from her vagina on the 16th of June, 1972. As Doctor Shukla has put it, the immediate cause of death was shock due to profuse bleeding per vagina.

20. What was the cause of excessive bleeding which occurred in the afternoon of the 16th June, 1972 is not clear from the evidence that has come

on the record. There is, however, a strong indication that the excessive bleeding was due to defective menstruation. It is clear from the statement of Nurse Ekdashi Devi, CW. 9, that when she was called by Km. Champa at about 3 P.M. on the 16th of June she complained of excessive bleeding. Nurse Ekdashi Devi had taken out the cotton pad for the use of Km. Champa but she found that Kumari Champa was already using a cotton pad which is commonly used at the time of menses. This cotton pad was fully soaked with blood and there were blood clots on that pad. This pad had been changed by Ekdashi Devi. Dr. S. S. Guleria had also examined the cotton pad and he had found it soaked with blood. If in fact Kumari Champa did not have menses at that time there was hardly any reason as to why she should have applied the cotton pad even before she got excessive bleeding from her vagina. Smt. Lila Devi, the wife of brother of Kumari Champa Devi, has been examined to show that Km. Champa did not have menses on or near the 16th of June, 1972. The statement of this witness does not inspire confidence. She is an interested witness. She had to admit that Kumari Champa used to get menses in the beginning of the *Desi* month which would be near about the middle of June, 1972. Whatever may be the cause of the excessive bleeding whether it was due to defective menses or otherwise—it makes hardly any difference, so long as it is not alleged or proved that the excessive bleeding was due to any negligence or carelessness on the part of the doctors. This is no body's case nor there is any evidence on this point. The fact remains that there was excessive bleeding from the vagina of Kumari Champa in the afternoon of 16th June and the immediate cause of the death of Kumari Champa was shock on account of haemorrhage.

21. Shri Jagan Nath, a brother of Kumari Champa, is the only witness who has deposed that Kumari Champa was not properly treated by the hospital staff after her admission in the hospital. Balbir Singh in his affidavit has stated that the hunger strikers were in the police custody when they had been admitted in the hospital and that the doctors and the nurses did not administer any medicine nor any attempt was made to give any diet to the hunger strikers. Shri Balbir Singh did not have the courage to enter the witness box and face the cross examination. The allegations made by him in his affidavit, therefore, have remained unsubstantiated. It is also not possible to place reliance upon the bald and vague statement of Jagan Nath. There is not an iota of evidence on the record to show that the doctors on duty had been negligent or careless in treating Kumari Champa. It is clear from the reading of the bed-head ticket that the hospital staff had been regularly attending upon her and they made all possible efforts to save her life. Doctor Shukla has stated that best possible treatment had been given to Kumari Champa and that she did not die of any negligence on the part of the medical staff. Doctor K. L. Kapoor who has been attending upon Kumari Champa from the very day when she was admitted in the hospital till her death, except on the 16th of June, 1972, when he had to go out of the headquarters, has given a graphic description of the manner in which he and his colleagues attended upon Kumari Champa. It has been stated by Doctor K.L. Kapoor that Kumari Champa had been brought to the hospital by Smt. Prem Dhir and he had examined her. He had tried to give her "forced sips of glucose water" but Smt. Prem Dhir did not allow Kumari Champa to take glucose water. Doctor Kapoor thereupon removed Prem Dhir from their and then persuaded Kumari Champa to take glucose water but she refused. On the 13th of June, 1972 Doctor K. L. Kapoor tried to have forced feeding but Kumari Champa resisted. Doctor Shivdev Singh, the Chief Medical Officer thereupon told

Kumari Champa that it was in her own interest that she should accept the treatment and at least take glucose water, failing which her kidney would be permanently damaged and she would not be in a position to lead a normal life. It was on the advice of Doctor Shivdev Singh that Kumari Champa reluctantly accepted a few sips of glucose water and her condition improved a little. Doctor Kapoor has further stated that Kumari Champa had refused any injectible and she had violently resisted any attempt on his part or on the part of the other doctors to accept the treatment on the 13th and 14th. However, the doctors found the condition of Kumari Champa a little better on the 15th of June on account of her having accepted the treatment. Whenever the condition of Kumari Champa deteriorated she was at once taken to the Intensive Care Unit. Doctor Shivdev Singh has corroborated the statement of Doctor K. L. Kapoor. It is to be found in the statement of Doctor Kapoor that before he left on tour on the 16th of June, he along with Doctor B. L. Gupta, Dr. T. R. Bhardwaj and Dr. P. S. Dogra had examined Kumari Champa and it was found that her condition was serious. She had been removed to the Intensive Care Unit. Doctor Batish, Doctor Dogra and the Chief Medical Officer, namely, Dr. Shiv Dev Singh had attended upon her. She had been administered intravenous glucose and other injections. She had stopped vomiting. She had also been administered medicines through the mouth. After she had regained consciousness she again resisted the treatment and took out the needle of the intravenous glucose injection. As her condition had improved satisfactorily she had been removed to her room at her request. On a question put by Mr. Patyal, the learned counsel for the striking teachers, Dr. Shivdev Singh stated that she was removed to her room because she was not prepared to stay in the Intensive and was offering resistance. It was dangerous to her life to keep her in the Intensive Care Unit after she had regained consciousness and when she was offering resistance. As has been noticed above, at about 3 P.M. Kumari Champa had excessive bleeding and it was then that her condition deteriorated. She had again been removed to the Intensive Care Unit and due care and attention had been paid to her by all the doctors who were on duty in the hospital including Doctor Shivdev Singh. Doctor Shukla had been summoned from Simla and despite the best efforts of this expert her life could not be saved. All the doctors have appeared in the witness box and stated that they were not negligent and took all possible care in treating Kumari Champa. No reason has been advanced as to why the statements of the doctors should not be believed. The reading of the bed-head ticket gives a sufficient indication to show that the doctors made all possible efforts to save the life of Kumari Champa. In the circumstances, I have no hesitation to hold that the allegation made against the doctors, including Doctor Shiv Dev Singh, that they have been negligent or callous in the discharge to their duties has absolutely no basis in it. On the other hand, it must be said to the credit of the doctors that they took all care and were very keen to save the life of Kumari Champa.

22. I may now turn to the points made out in the various affidavits of the striking teachers and a few members of the public and a reference to which has been made by me at page 12 of this report.

23. (a) It has been claimed that it was the right of the striking teachers to be employed by the Government and since the Government failed in its lawful duty to give employment to the striking teachers they had no option but to resort to an indefinite hunger strike. During the course of arguments my attention has been drawn to Article 39(a) and 41 of the Constitution of India. These two Articles lay down the Directive Principles of State Policy.

Article 39 (a) lays down that the State shall, in particular, direct its policy towards securing—(a) that the citizens, men and women equally, have the right to an adequate means of livelihood. Article 41 provides, that the State shall, within the limits of its economical capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of an employment, old age, sickness and disablement and in other cases of undeserved want. These principles are not enforceable by any Court but they are nevertheless fundamental in governance of the country and it is the duty of the State to apply these principles, in making the laws. The policy of the State has to be directed in a manner so as to secure the right to work to every able bodied person. But this can be done within the limits of the economical capacity and development of the State. We are pledged to have a socialistic pattern of society and the Government is making all out efforts to secure equal deal to all the citizens of this great country. Efforts are also made to secure employment to all able bodied persons. But, as has been noticed above, this can only be done within the limited resources that we have got. One should not expect a change over night. In a vast country like ours it is only when the country fully develops that there may be security of employment to all able bodied persons. The two Articles referred to above do not in any way create a right to get employment to each and every individual nor it is a right which can be enforced in any court of law.

23. (b) & (c) Another allegation made against the Government is that the teachers belonging to the District of Bilaspur had been discriminated against inasmuch as untrained teachers from other districts had been given employment whereas the trained teachers of the District of Bilaspur were denied Government service and that it was on account of this discriminatory attitude and non-employment of the trained teachers that they had to go on an indefinite hunger strike. There is no substance in any of these allegations. There is not even an iota of evidence on the record to show that there had been any discrimination or that untrained teachers had been employed in other districts in preference to trained teachers. On the other hand, three witnesses, namely, Shri Prem Singh, Deputy Director of Education, Simla, Shri Chaman Lal, who was working as Employment Exchange Officer at the relevant time and Shri W. S. Sidhu, District Education Officer, Bilaspur have appeared in the witness box and have given detailed account of the creation of the posts of Home Science Teachers in the Pradesh and how these posts were filled in. These witnesses had brought the relevant record and it was on the basis of this record that they had made the statements before the Commission. According to Shri Prem Singh, Deputy Director, Home Science subject is being taught in Bilaspur School since 1968-69. Out of the total number of 45 seats created for Home Science Teachers in the Pradesh, 3 were assigned to Bilaspur district. 10 posts were created in 1970-71, but no post was sanctioned for Bilaspur district. In 1972-73, 77 posts of Home Science teachers were created for the whole of the Pradesh and 10 posts out of them were allotted to Bilaspur district. These posts had been created on the 16th of June, 1972. It is further established from the evidence of these witnesses that there are 13 Schools in the whole of Bilaspur district in which there is a provision for the teaching of the Home Science subject. It has to be remembered that the budget for the year 1972-73 was passed by the Himachal Pradesh Legislative Assembly on the 12th of June and it was thereafter i.e. on the 13th of June when the Education Department moved for the creation of the posts of Home Science Teachers. On the 15th of June, the Education Department informed the District Education Officer, Bilaspur

that posts of Home Science Teachers were being created and in the mean-while he may place the requisition with the Employment Officer. Shri Chaman Lal, the then District Employment Exchange Officer, Bilaspur has stated that on the 15th of June, 1972, 10 vacancies of Home Science Teachers were notified by the District Education Officer, Bilaspur and the date for interview was fixed by him for 23rd of June, 1972 and the interview cards had been issued to the applicants who were available on the live register of the Employment Exchange. This witness further stated that the name of Kumari Champa was not on the live register on the 16th of June as it had lapsed on the 13th of April, 1972, as Kumari Champa had not renewed her registration with the Employment Exchange. Shri Sidhu has stated that prior to 16th of June, 1972, there were only 3 posts of Home Science teachers vacant in Bilaspur district and these posts had already been filled up, and incumbents of these posts were trained in Home Science. He further stated that the subject of Home Science was introduced in a particular School as and when posts were sanctioned and appointments were made for teaching that subject. Before 1972, the subject of Home Science had been introduced only in three schools. There is no reason to disbelieve all these witnesses particularly when their statements find support from the record brought by them before the Commission. It is thus established that there was neither any discrimination nor any untrained teacher had been employed in preference to trained teachers of Bilaspur. It is also established that there was no vacancy of Home Science teacher and 10 vacancies were created only on the 16th of June, 1972, when the budget had been passed. In fact it must be said to the credit of the Government that immediately after passing of the budget the Government moved very swiftly to create the posts so that the hunger strike resorted to by the teachers may come to an end. Shri Kishori Lal Tadu, Parliamentary Secretary to the Government of Himachal Pradesh appearing in the witness box stated that when the unemployed teachers went on hunger strike he went to see them in their Camp. He had advised them not to resort to hunger strike and had further told them that as soon as the posts are created by the Government they would get employment. Shri Tadu further stated that a deputation of the unemployed teachers had met the Education Minister in his presence and the Minister had told them that posts were being created and as soon as they are created, the unemployed teachers would be given employment. Shri Prem Singh, Deputy Director of Education has also stated that he had contacted the striking teachers and persuaded them to call off the strike, assuring them that posts were being created and when so created appointments would be made. This evidence clearly indicates that the representatives of the Government had given an assurance to the unemployed teachers that the Government was keen to create posts and when the posts are created employment would be given to the unemployed teachers. In my opinion nothing better could be done by the Government and, therefore, the Government or its officials are not at all responsible if the striking teachers took the extreme step of going on an indefinite hunger strike despite the assurances held out to them.

23. (d) Coming to point (d), the allegation is that the Deputy Commissioner, the Superintendent of Police and the District Education Officer did not keep the Government informed of the condition of the hunger strikers and adopted a very unhelpful attitude towards them. This allegation too has no basis in it. It is clear from the statements of Shri Kashmir Singh and Shri Burathoki that they were in touch with the hunger strikers and that

they had been persuading them to give up the hunger strike as the Government was making efforts to create posts for them and that they had kept the Government informed of the developments that were taking place in respect of the strike and about the condition of the hunger strikers. It is clear from the annexures filed along with the affidavits of these two officers that they had kept the Government informed of the day to day developments. Shri Jagan Nath while appearing in the witness box has stated that the Deputy Commissioner and the Superintendent of Police were responsible for the death of Kumari Champa inasmuch as they did not procure employment for her. He further stated that except for this lapse on their part they are not responsible for any thing. How the Deputy Commissioner and the Superintendent of Police could procure employment for Kumari Champa or to the other striking teachers is not understandable. It has already been noticed that the Government was making all out efforts to create employment opportunities and had assured the striking teachers that posts were being created and the same would be offered to them when so created. This allegation, therefore, has also remained unsubstantiated.

24. (e) I have already held that the doctors attending upon the hunger strikers in the hospital had taken all the care and precaution while attending on the striking teachers. All available medical aid had been rendered. The local administration was working in co-operation with the doctors and it was the efforts of all concerned to see that there was an end to the strike and the lives of the strikers were saved. There is no evidence on the record to hold that either the local administration or the hospital staff had been negligent or callous in any manner.

25. (f) It is alleged by Shri Balbir Singh in his affidavit that the Deputy Commissioner and the Superintendent of Police had pressed Shri Jagan Nath to remove the dead body of Kumari Champa immediately and to dispose it off. Shri Jagan Nath in his affidavit stated that the doctor in charge had handed over the dead body to him and the police had threatened him to remove the dead body from the hospital immediately. He even went to the extent of saying that his signatures were obtained forcibly on the application which had been presented for seeking exemption to perform the post mortem examination on the dead body of Kumari Champa. The allegation appears to be that there was some ulterior motive on the part of the district administration in forcing Jagan Nath to remove and dispose of the dead body immediately. However, it is not possible for me to take this view. It is clear from the statement of Ram Rath Bhardwaj, a co-villager and a distant relative of Jagan Nath that Jagan Nath did not want the post mortem examination to be performed on the dead body of Kumari Champa and, therefore, he had made a request by an application to the District Magistrate to permit the removal of the dead body without post mortem. Even Jagan Nath has stated in his cross-examination that he did not want the post mortem examination to be performed. Shri Sukhdev Singh, Muharrar Head Constable who wrote the application, Ex. CW. 10/A seeking exemption from the post mortem examination has stated that it was at the instance of Jagan Nath that he had written this application. The application had been duly read over to Shri Jagan Nath and he had put his signatures voluntarily thereon. Paras Ram, the uncle of Jagan Nath and Ram Rath Bhardwaj had signed the application as witnesses. Shri Jagan Nath had not been compelled to sign this application. Ram Rath Bhardwaj has also stated that Jagan Nath was not forced to make the application. Rather he got it written of his own free will. After the application had been written it was read over

to him and then he had signed the same. This witness had accompanied Jagan Nath to the District Magistrate when the application was presented before him. According to this witness the District Magistrate suggested that there should be a post mortem examination but Jagan Nath had told the District Magistrate that there was no need for it as every body knew that Kumari Champa had died due to hunger strike. It was under these circumstances that the post mortem examination had been dispensed with by the District Magistrate. In the face of this independent evidence and the statement of Jagan Nath that he did not want the post mortem examination to be performed, it is idle on the part of either Balbir Singh or Jagan Nath to say that they had been compelled to remove the dead body immediately and dispose it off. It is a separate matter whether the District Magistrate should have dispensed with the post mortem examination. It cannot be said that he incorrectly decided the application made by Shri Jagan Nath requesting for exemption of the post mortem examination. There was sufficient commotion at the time of the death of Kumari Champa. The family of Kumari Champa, including Jagan Nath, was bereaved. In order to respect their sentiments, and, as the report of the doctor about the cause of the death of Kumari Champa was clear, the District Magistrate was not wrong in dispensing with the post mortem examination. However, another view is possible that perhaps it may have been better if the post mortem examination had been performed.

FINDINGS

26. On the evidence adduced before me and taking into consideration all the circumstances appearing in this case, I hold that the death of Kumari Champa was due to respiratory failure as a result of coma due to acute starvation and the immediate cause of death was shock due to profuse bleeding per vagina. The circumstances leading to the hunger strike by Kumari Champa and consequently her death were that she along with her other colleagues took the extreme step of going on an definite hunger strike to secure employment. She and her colleagues did not pay heed to the persuasion of the doctors, who were attending on them to accept the treatment. They did not even care to accept the assurance of the Government that the posts were being created and employment would be given to them as soon as the posts were created. There was no negligence either on the part of the local administration or on the part of the hospital staff. It was on account of not very reasonable attitude of the striking teachers and intermeddling by the local political leaders that resulted in the death of Kumari Champa. It is unfortunate that the complication of excessive bleeding intervened to hasten the death of Kumari Champa. Otherwise, in the view of Doctor Shukla it was possible that her life could have been saved.

27. The report is submitted to the Government.

SIMLA:
January 22, 1973.

CHET RAM THAKUR,
Commission of Inquiry.